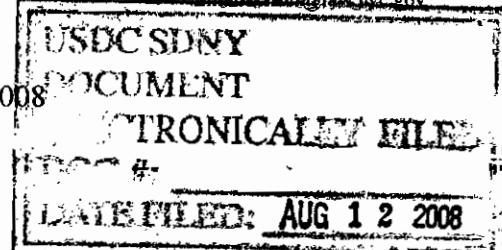


MICHAEL A. CARDODO  
*Corporation Counsel*

THE CITY OF NEW YORK  
LAW DEPARTMENT  
100 CHURCH STREET, Room 2-125  
NEW YORK, NY 10007

CHRISTOPHER L. HEER  
Phone: (212) 788-0960  
Fax: (212) 788-8877  
Email: [cheer@lan.nyc.gov](mailto:cheer@lan.nyc.gov)

August 5, 2008



**BY Regular Mail**

Honorable Laura Taylor Swain  
United States District Judge  
United States Courthouse  
500 Pearl Street, Room 755  
New York, New York 10007

**MEMO ENDORSED**

Re: Frenkel v. NYC Off-Track Betting Corporation  
08 Civ. 6050 (LTS)(AJP)

Dear Judge Swain:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendant New York City Off-Track Betting Corporation (“OTB”). This action was originally commenced on January 23, 2008 in the Supreme Court of the State of New York, New York County, and was removed to this Court on July 2, 2008.

Pursuant to Rules 6 and 81 of the Federal Rules of Civil Procedure, defendant New York City Off-Track Betting Corporation was required to file and serve an answer by July 10, 2008. Defendants respectfully request an extension of time until September 5, 2008 for OTB to respond to the complaint.

✓ This is the defendant's first request for an enlargement of time to respond to the complaint. Plaintiff consents to the request.

Defendant requests the enlargement of time to respond to the complaint because the response must be grounded in knowledge, information and belief formed after reasonable inquiry, as required by Rule 11 of the Federal Rules of Civil Procedure. Consequently, I must identify, locate and interview those persons with knowledge of the allegations set forth in the complaint. I must also identify, locate and review any documents relevant to plaintiff's claims. An extension of time will provide sufficient time to investigate Plaintiff's allegations and review documents that might be relevant to this action.

For the forgoing reasons, defendant respectfully requests an extension of time to September 5, 2008 to respond to the complaint.

Thank you for your consideration of this request.

Respectfully submitted,

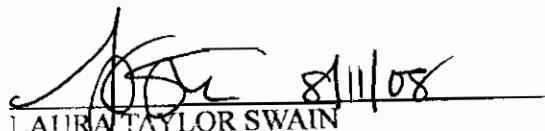


Christopher L. Heer (CH 1086)  
Assistant Corporation Counsel

cc: Bernard Weinreb, Esq. (by Regular Mail)

The request is granted.

SO ORDERED.



8/11/08  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE